

REMARKS

The Office Action dated December 21, 2004 has been reviewed and carefully considered. The Examiner's allowance of claims 6-11 is appreciated. Claims 1, 2, 4-11 remain pending, of which the independent claims are 1, 6 and 7. Reconsideration of the above-identified application is respectfully requested.

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,236,764 to Zhou in view of U.S. Patent No. 5,796,875 to Read.

Since the line of argument the final Office Action, mailed December 21, 2004, pursues differs from that of the previous Office Action, mailed April 16, 2004, and since the claims under rejection were not amended in the interim, the analysis in this section is divided into two parts. The first part responds to the previous Office Action. The second part addresses the final Office Action.

Responsive to the non-final Office Action mailed April 16, 2004

This, first, part of the section repeats verbatim the relevant portion of the applicant's amendment filed July 14, 2004.

Claim 1 recites:

said filtering step being applied to at least one pixel component of a selected segment of consecutive pixels located on a single line or column of the current picture and on both sides of a boundary between two blocks, so that the boundary divides the segment into two parts, wherein said filtering step is applied only if the pixels at the ends of said segment have chrominance components that agree with a similarity criterion, wherein said filtering step is applied only if the two pixels at the ends of a part of said segment have luminance components that agree with a similarity criterion

Item 5 of the Office Action identifies "said segment" as consisting of the two pixels "B" and "C" of FIG. 3 of Read. Therefore, "a part of said segment" in claim 1

of the present invention would presumably correspond to one of the two pixels. Since claim 1 refers to “the two pixels at the ends of a part of said segment,” it is accordingly unclear what an “end” of a pixel is.

In attempted explanation, item 6 of the Office Action suggests that “C is at the end of the right part, and B is at the end of the left part.”

It is unclear, firstly, what the Office Action means by the “right part” or the “left part.” Since claim 1 refers to “a part of said segment,” the Office Action would presumably be referring to the “right part” of “said segment” and the “left part” of “said segment.” The Office Action has, however, as mentioned above, already identified “said segment” as consisting merely of the Read pixels B and C in FIG. 3 (see Office Action, item 6, page 3, last sentence: “. . . pixels B and C are at the ends of the segment.”) Consequently, the right part of said segment is pixel B and the left part of said segment is pixel C. It is accordingly unclear what the Office Action deems to be “the two pixels at the ends of a part of said segment,” at least because it is unclear what is meant by an “end” of a pixel.

The Office Action seems to rely on some kind of almost unbelievable abstraction that construes a “left part” of a 2-pixel segment to include more than a pixel. A much more believable, and the only reasonable, interpretation is that the left part of a 2-pixel segment consists of the one pixel on the left-hand side.

The Office Action cannot properly be referring to just the two pixels B and C when it refers to a segment, as explained by the analysis above.

It is therefore at least conceivable that we will see yet another Office Action rejecting claim 1, this time proposing that the “said segment” actually corresponds to Read pixels A, B, C and D.

Problematically, however, claim 1 of the present invention recites “said filtering step is applied only if the pixels at the ends of said segment have chrominance components that agree with a similarity criterion.” Since “the ends of said segment,” i.e., the segment consisting of pixels A, B, C and D, are pixels A and D, item 6 of the Office Action is, in effect, suggesting that the Read filtering step is applied only if pixels A and D have chrominance components that agree. Those two pixels, A and D, however, are pixels merely used to implement the filtering (col. 4, lines 5-17). Pixels A and D are not compared. Nor do pixels A and D have chrominance components that are compared to a similarity criterion. In particular, Read fails to disclose, suggest or feature:

said filtering step being applied to at least one pixel component of a selected segment of consecutive pixels located on a single line or column of the current picture and on both sides of a boundary between two blocks, so that the boundary divides the segment into two parts, wherein said filtering step is applied only if the pixels at the ends of said segment have chrominance components that agree with a similarity criterion, wherein said filtering step is applied only if the two pixels at the ends of a part of said segment have luminance components that agree with a similarity criterion

as explicitly required by the language of claim 1.

Zhou relates to reducing the blockiness in an image, but cannot compensate for the shortcomings in Read.

Responsive to the final Office Action mailed December 21, 2004

In response to the above analysis that replies to the non-final Office Action of April 16, 2004, the final Office Action of December 21, 2004 modifies the line of argument offered in the non-final Office Action.

First, we again recite the relevant language of claim 1:

said filtering step being applied to at least one pixel component of a selected segment of consecutive pixels located on a single line or column of the current picture and on both sides of a boundary between two blocks, so that the boundary divides the segment into two parts, wherein said filtering step is applied only if the pixels at the ends of said segment have chrominance components that agree with a similarity criterion, wherein said filtering step is applied only if the two pixels at the ends of a part of said segment have luminance components that agree with a similarity criterion

The second full paragraph of page 3 of the final Office Action (hereinafter “Office Action”) states, as a revised line of argument, “. . . ‘a part’ of a segment does not preclude a reading that embraces “the whole part” of the segment. Applicant has not specified that . . . a ‘part’ is necessarily smaller than the entire segment.”

In response, the applicant submits three related observations:

- a) this interpretation by the Office Action of the language of claim 1 contradicts the plain meaning of the language;
- b) although the plain meaning of the language finds clear support in the specification (e.g., page 3, lines 30-34; page 4, lines 17-19; page 4, line 28 – page 5, line 2), the Office Action appears unable to find any support in the specification for the interpretation the Office Action offers; and

c) the applicant is likewise unable to find any support in the specification for this interpretation by the Office Action.

Referring to item b) above, the Office Action suggests that the claim 1 language “the two pixels at the ends of a part of said segment have luminance components that agree with a similarity criterion” can reasonably be interpreted as meaning “the two pixels at the ends of said segment have luminance components that agree with a similarity criterion,” under the theory by the Office Action that “a part of” said segment does not imply less than the whole segment.

However, such an interpretation lacks support in the specification, and contradicts the plain language of claim 1.

Further to this latter point, which relates to item a) above:

The words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)
MPEP 2111.01.

Since the applicant, although providing clear support in the specification for the phrase “a part of” said segment, has not defined the phrase “a part of,” the plain meaning of the phrase should be used in examining the application.

**<“PLAIN MEANING” REFERS TO THE
>ORDINARY AND CUSTOMARY<
MEANING GIVEN TO THE TERM BY
THOSE OF ORDINARY SKILL IN THE
ART**

****>**Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive*

Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003) (“In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.”). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the “ordinary” and the “customary” meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003). . . The ordinary and customary meaning of a term may be evidenced by a variety of sources, *Brookhill-Wilk I, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003), including: the claims themselves, *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999); dictionaries and treatises, *Tex. Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202, 64 USPQ2d 1812, 1818 (Fed. Cir. 2002); and the written description, the drawings, and the prosecution history, see, e.g., *DeMarini Sports, Inc. v. Worth, Inc.*, 239 F.3d 1314, 1324, 57 USPQ2d 1889, 1894 (Fed. Cir. 2001). If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant’s use of the terms. *Brookhill-Wilk I*, 334 F. 3d at 1300, 67 USPQ2d at 1137; see also *Renishaw PLC v. Marposs Societa’ per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) (“Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.”). If more than one extrinsic definition is consistent with the use of the words in the intrinsic record, the claim terms may be construed to encompass all consistent meanings. *Tex. Digital*, 308 F.3d at 1203, 64 USPQ2d at 1819. See also *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001) (explaining the court’s analytical process for determining the meaning of disputed claim terms); *Toro Co. v. White Consol. Indus., Inc.*, 199 F.3d 1295, 1299, 53 USPQ2d 1065, 1067 (Fed. Cir. 1999) (“[W]ords in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a

word was used with a special meaning.”). MPEP 2111.01(II).
[Underlining added for emphasis].

Applying the above teachings in the MPEP to the rejection of claim 1, the Office Action improperly attempts to stray from the “plain meaning” of the language of claim 1. The applicant cannot find merit in this latest claim interpretation proffered by the Office Action.

Presumably, the Office Action relies on some recitation somewhere of the phrase “whole part,” in which case the applicant cannot imagine that any such recitation bears relevance to the “plain meaning” of the language in claim 1.

The applicant therefore submits that the revised line of argument in the Office Action, i.e., final Office Action, is adequately traversed in the above analysis.

Moreover, it seems that the persuasiveness of the applicant’s reply to the previous Office Action, i.e., the non-final Office Action of April 16, 2004, has given rise to this revised line of argument which is now believed to be adequately traversed. The reply, the relevant portion of which is repeated in the first part of this section, is believed to adequately traverse the previous line of argument, i.e., that offered by the non-final Office Action.

The applicant accordingly submits that the present rejection of claim 1 lacks validity, and that the proposed combination of references fails to render obvious the present invention as recited in claim 1.

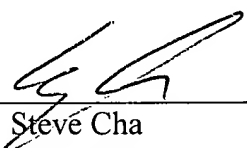
Claims 2, 4 and 5 depend from base claim 1, and are likewise deemed to distinguish patentably over the combination of references for at least the same reasons set forth above with regard to claim 1.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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